

Remarks

In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

Initially, applicants note that the Sequence Listing has been corrected to harmonize the Sequence Listing with the sequences present in the application as filed. The errors identified on page 3 of this paper were not previously detected. This amendment is accompanied by: a computer readable form (CRF) copy of the corrected Sequence Listing,” presented on a 3.5” diskette; a paper copy of the corrected Sequence Listing, as well as the above amendment directing its entry into the specification; and a statement that the content of the paper and computer readable form are the same and include no new matter.

In addition, applicants have amended the specification at two locations. Because the prior “after final” amendment (submitted November 7, 2003) was not entered, the present response again requests entry of the amendment to the cross-reference to related applications. The second amendment to the specification corrects an error in the description of Figure 86, harmonizing the specification with the drawings. In view of the above, the objection to the specification has been overcome and should therefore be withdrawn.

Applicants have amended claim 1 to recite the subject matter of claims 8 and 9 (previously indicated to be allowable) and exclude the subject matter encompassed by the hybridization language (i.e., alternative iii). Claim 8 has been canceled because it no longer limits the scope of claim 1. Therefore, the objection to these claims should be withdrawn.

The rejection of claims 52, 55, and 73 under 35 U.S.C. § 112 (second paragraph) for indefiniteness is overcome by the above amendments and should therefore be withdrawn.

The rejection of claims 1, 7, 49-52, 55, and 71-76 under 35 U.S.C. § 112 (first paragraph) as lacking enablement is overcome by the above amendments and should therefore be withdrawn.

In view of all of the foregoing, applicants submit that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

Date: February 4, 2004



Edwin V. Merkel
Registration No. 40,087

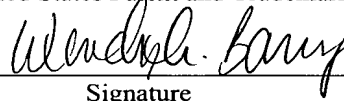
NIXON PEABODY LLP
Clinton Square, P.O. Box 31051
Rochester, New York 14603-1051
Telephone: (585) 263-1128
Facsimile: (585) 263-1600

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at _____.

February 4, 2004
Date


Signature

Wendy L. Barry